

# Town Board Minutes

January 20, 2004

Meeting No. 3

A joint meeting of the Town Board and the Planning Board of the Town of Lancaster, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York on the 20<sup>th</sup> day of January 2004, at 6:30 PM and there were

**PRESENT:**

DANIEL AMATURA, COUNCIL MEMBER  
MARK MONTOUR, COUNCIL MEMBER  
RONALD RUFFINO, COUNCIL MEMBER  
DONNA STEMPIAK, COUNCIL MEMBER  
ROBERT GIZA, SUPERVISOR  
REBECCA ANDERSON, PLANNING BOARD MEMBER  
JOHN GOBER, PLANNING BOARD MEMBER  
LAWRENCE KORZENIEWSKI, PLANNING BOARD MEMBER  
MICHAEL MYSZKA, PLANNING BOARD MEMBER  
MELVIN SZYMANSKI, PLANNING BOARD MEMBER  
STANLEY KEYSA, PLANNING BOARD CHAIRMAN

**ABSENT:**

STEVEN SOCHA, PLANNING BOARD MEMBER

**ALSO PRESENT:**

JOHANNA COLEMAN, TOWN CLERK  
RICHARD SHERWOOD, TOWN ATTORNEY  
JEFFREY SIMME, BUILDING INSPECTOR  
ROBERT LABENSKI, TOWN ENGINEER

**PURPOSE OF MEETING:**

This joint meeting of the Town Board and Planning Board of the Town of Lancaster was held for the purpose of acting as a Municipal Review Committee for two (2) actions.

**IN THE MATTER OF THE SEQR REVIEW OF**

**KULBACKI OFFICE BUILDING**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Kulbacki Office building rezone matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED BY  
COUNCIL MEMBER STEMPIAK, WHO MOVED  
ITS ADOPTION, SECONDED BY PLANNING  
BOARD MEMBER GOBER, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION**

**KULBACKI OFFICE BUILDING**

**NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately .64 acres.

The location of the premises being reviewed is situated on the south side of Como Park Blvd, west of the intersection of Como Park Blvd and Penora Street, Lancaster, County of Erie, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, *has specifically noted that those comments rendered by Mr. Christopher J. Sansone, Environmental Planner, County of Erie, in his communication to Mr. Richard J. Sherwood, Town Attorney, dated December 8, 2003 have each been considered by the Municipal Review Committee and have been determined to be not significant.*

The Municipal Review Committee has further found the proposed action impacts to be as follows:

1. The proposed action will not result in a physical change to the project site.
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will not affect surface or ground water quality or quantity.  
*It is noted that a State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is not required; however, best management practices are required.*
6. The proposed action will not alter drainage flow patterns or surface water runoff.
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species. It is noted that:
  - a.) *This Committee has determined that this site has been previously disturbed.*
  - b.) *Herbicides or pesticides may be applied for purposes of lawn care.*
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.
11. The proposed action will not affect aesthetic resources.
12. The proposed action may have a small to moderate impact on a site or structure of historic, pre-historic or paleontological importance. *It is noted, however, that the site is relatively remote from the banks of Cayuga Creek, the location of prime paleontological importance. This site has been previously disturbed; the land has been farmed and was also used as an airfield in the early 20<sup>th</sup> century.*

13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will not affect existing transportation systems.
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community. *It is noted that there will be a small to moderate change in the density of land use as well as a small to moderate increase in demand for police and fire services. A small number of jobs are likely to be created.*
20. There is not, nor is there likely to be, public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor  
Town of Lancaster

January 20, 2004

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and

**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

January 20, 2004

**IN THE MATTER OF THE SEQR REVIEW OF THE**

**COLUMBIA GARDENS SUBDIVISION**

The Municipal Review Committee proceeded with the Long Environmental Assessment Form on the Columbia Avenue Subdivision matter with an item for item review and discussion of the project impact and magnitude as outlined on the Long Environmental Assessment Form entitled "Part 2 Project Impacts and Their Magnitude" which was provided to each member.

THE FOLLOWING RESOLUTION WAS OFFERED  
BY PLANNING BOARD MEMBER SZYMANSKI  
WHO MOVED ITS ADOPTION, SECONDED BY  
COUNCIL MEMBER MONTOUR, TO WIT:

**RESOLVED**, that the following Negative Declaration be adopted:

**NOTICE OF DETERMINATION  
COLUMBIA GARDENS SUBDIVISION  
NEGATIVE DECLARATION**

**PLEASE TAKE NOTICE**, that the Town of Lancaster, acting as the designated lead agency under the State Environmental Quality Review Act, has reviewed the following described proposed action, which is an Unlisted action, through its designated Municipal Review Committee, and that committee having found no significant environmental impact relative to the criteria found in 6NYCRR, Part 617.7, the lead agency now issues a Negative Declaration for the purposes of Article 8 of the Environmental Conservation Law in accordance with 617.12.

**NAME AND ADDRESS OF LEAD AGENCY**

Town of Lancaster  
21 Central Avenue  
Lancaster, New York 14086  
Richard J. Sherwood, Town Attorney  
716-684-3342

**NATURE, EXTENT AND LOCATION OF ACTION:**

The proposed development is of a parcel involving approximately 21± acres.

The location of the premises being reviewed is 556 Columbia Avenue, Lancaster, County of Erie, New York.

## REASONS SUPPORTING DETERMINATION

The lead agency, the Town of Lancaster, through the review of the Municipal Review Committee, which is made up of at least three (3) members of the Town Board of the Town of Lancaster together with at least three (3) members of the Planning Board of the Town of Lancaster, *has specifically noted that those comments rendered by Mr. Thomas Dearing, Community Planning Coordinator, County of Erie, in his communication to Mr. Richard J. Sherwood, Town Attorney, dated December 10, 2003 have each been considered in detail by the Municipal Review Committee. It is also the recommendation of the Municipal Review Committee that the Town of Lancaster and the Village of Depew engage in joint discussions for the purpose of municipal service coordination.*

The Municipal Review Committee has found the proposed action impacts to be as follows:

1. The proposed action will have a small to moderate impact on the physical characteristics of the project site. *It is noted that:*
  - a.) *Construction to be on land where it is estimated that the depth to the perched water table ranges from 0.5 feet to 3.0 feet. This will need to be considered during construction of the dwellings.*
  - b.) *Construction that may continue for more than one (1) year or involve more than one (1) phase or stage.*
2. The proposed action will not effect any unique or unusual land forms found on the site.
3. The proposed action will not affect any water body designated as protected.
4. The proposed action will not affect any non-protected existing or new body of water.
5. The proposed action will have a small to moderate impact on surface or ground water quality or quantity. *It is noted that:*
  - a.) *A State Pollution Discharge Elimination System (SPDES) General Permit for Discharge from Construction Activities is required.*
  - b.) *The total anticipated water usage per day is estimated to be 25,200± gallons.*
6. The proposed action will have a small to moderate impact on drainage flow patterns or surface water runoff. *The action is expected to change flood water flows in a manner that is anticipated to be beneficial to downstream areas.*
7. The proposed action will not affect air quality.
8. The proposed action may have a small to moderate impact on threatened or endangered species. *It is noted that herbicides and/or pesticides may be used more than twice a year for lawn care purposes.*
9. The proposed action will not substantially affect non-threatened or non-endangered species.
10. The proposed action will not affect agricultural land resources.

11. The proposed action will not affect aesthetic resources.
12. The proposed action may have a small to moderate impact on a site or structure of historic, pre-historic or paleontological importance. *It is noted that the action may occur in an area designated as sensitive for archaeological sites on the New York State Site Inventory. The Committee has determined that the site is relatively remote from mainstream Scajaquada Creek which is considered to be of prime importance.*
13. The proposed action will not affect the quantity or quality of existing or future open spaces or recreational opportunities.
14. The Town of Lancaster has not established a critical environmental area (CEA) pursuant to subdivision 6NYCRR617.14(g), therefore the proposed action will not impact the exceptional or unique characteristics of a critical environmental area (CEA).
15. The proposed action will have a small to moderate impact on existing transportation systems. *It is noted that there will be a small to moderate alteration of present patterns of movement of people.*
16. The proposed action will not affect the community's sources of fuel or energy supply.
17. There will not be objectionable odors, noise, or vibration as a result of this proposed action.
18. The proposed action will not affect public health and safety.
19. The proposed action will have a small to moderate impact on the character of the existing community. *It is noted that:*
  - a.) *There will be a change in the density of land use.*
  - b.) *There will be additional demand for school, police and fire services.*
  - c.) *Employment will increase during construction.*
20. There may be public controversy related to potential adverse environmental impacts.

s/s \_\_\_\_\_

SEAL

Robert H. Giza, Supervisor

Town of Lancaster

January 20, 2004

and,

**BE IT FURTHER**

**RESOLVED**, that the Supervisor of the Town of Lancaster be and is hereby authorized to execute a "Negative Declaration" Notice of Determination of Non-Significance in this matter, and



**BE IT FURTHER**

**RESOLVED**, that the Town Attorney's Office prepare and file a "Negative Declaration" Notice of Determination of Non-Significance in this matter with the petitioner and with all required New York State and Erie County agencies, filing a copy of the letter of transmittal and "Negative Declaration" with the Town Clerk.

The question of the adoption of the foregoing Notice of Determination was duly put to a voice vote which resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The Notice of Determination was thereupon unanimously adopted.

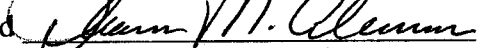
January 20, 2004

**ADJOURNMENT:**

ON MOTION OF COUNCIL MEMBER STEMPNIAK AND SECONDED  
BY COUNCIL MEMBER AMATURA FOR ADJOURNMENT OF THE MEETING which  
resulted as follows:

COUNCIL MEMBER AMATURA	VOTED YES
COUNCIL MEMBER MONTOUR	VOTED YES
COUNCIL MEMBER RUFFINO	VOTED YES
COUNCIL MEMBER STEMPNIAK	VOTED YES
SUPERVISOR GIZA	VOTED YES
PLANNING BOARD MEMBER ANDERSON	VOTED YES
PLANNING BOARD MEMBER GOBER	VOTED YES
PLANNING BOARD MEMBER KORZENIEWSKI	VOTED YES
PLANNING BOARD MEMBER MYSZKA	VOTED YES
PLANNING BOARD MEMBER SOCHA	WAS ABSENT
PLANNING BOARD MEMBER SZYMANSKI	VOTED YES
PLANNING BOARD CHAIRMAN KEYSA	VOTED YES

The meeting was adjourned at 7:19 P.M.

Signed   
Johanna M. Coleman, Town Clerk